



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

January 7, 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6123 9330

Mr. Kaedden M. Timi
Operation Director
Earth Peace System Consulting, Inc.
2819 West 83rd Street
De Soto, Kansas 66018

RE: Earth Peace Systems Consulting
De Soto, Kansas

Dear Mr. Timi:

Letter of Warning/Request for Information

On September 15, 2014, a representative of the U.S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

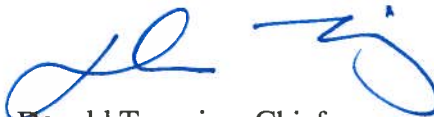
The EPA has reviewed the inspection report and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Edwin G. Buckner, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Buckner of my staff, at 913-551-7621 or buckner.edwin@epa.gov.

Sincerely,



Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures

cc: Ms. Rebecca Wenner, Kansas Department of Health and Environment
Northeast District Office, Kansas Department of Health and Environment

List of Violations

Earth Peace Systems Consulting, Inc. (EPSC)
2819 West 83rd Street
De Soto, Kansas 66018

Earth Peace Systems Consulting, Inc. (EPSC) failed to make a hazardous waste determination for various waste materials generated at its facility. This determination is required by Kansas regulations KSR 28-31-262(a) and by 40 CFR 262.11. A generator of solid waste must determine whether solid waste is hazardous. The various waste streams lacking a hazardous waste determination are identified as follows:

1. Spent Fuel Filters – EPSC disposed of one fuel filter at the Carquest Auto Parts in De Soto, Kansas.
2. Rags – EPSC generates approximately ten, mineral spirits and/or methanol contaminated rags per month. Those rags were disposed of in the general trash.
3. Crude Glycerin – EPSC generates crude glycerin containing methanol and potassium hydroxide. Approximately nine, 55-gallon drums of crude glycerin have been generated since April 2014.
4. Cardboard – EPSC generates waste cardboard contaminated with waste vegetable oil (WVO). An unknown quantity of WVO contaminated cardboard is generated by EPSC, but a 30-gallon container of cardboard and rags was observed on site during the inspection. The cardboard is disposed of in the general trash.
5. Waste Laboratory Chemicals – EPSC generates various spent laboratory chemicals. The facility disposed of approximately five gallons of laboratory waste at the Johnson County Kansas Household Hazardous Waste collection facility.

List of Requested Information

Earth Peace Systems Consulting, Inc. (EPSC)
2819 West 83rd Street
De Soto, Kansas 66018

Make a hazardous waste determination for each of the five waste streams identified in the enclosed List of Violations. Please provide the following information concerning each hazardous waste determination:

1. Determine whether the waste has been excluded from regulation under 40 CFR Part 261.4.
2. Determine whether the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. If the waste is a listed hazardous waste, provide the applicable listed waste code(s) in your response.
3. Determine whether the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. If the waste is a characteristic hazardous waste, provide the applicable characteristic waste code(s) in your response.
4. If your facility elects to apply knowledge of the material to make a waste determination on the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. If you apply knowledge of the material to make the waste determination, provide all applicable hazardous waste codes for the waste in your response.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

